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## 54/09/18 Sheppard is kept mum at hearing

Cleveland Plain Dealer

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# SHEPPARD IS

Sept. 18, 1954

# KEPT MUM AT HEARING

## Challenge to Put Doctor on Stand Ignored; Bail Case to Resume Monday

**BY SANFORD WATZMAN**

Dr. Samuel H. Sheppard will not risk telling his own story unless he is called to the witness stand at his first-degree murder trial, it was indicated late yesterday.

As Common Pleas Judge Edward Blythin adjourned the osteopath's bail hearing until 10 a. m. Monday, Defense Attorney Fred W. Garmone assured the court he had only three more witnesses.

He gave their names, but they did not include Dr. Sam. Garmone asserted that he and William J. Corrigan, chief defense counsel, expected to wind up their case in the morning session Monday.

### Laugh at Remark

"That is," Garmone added, "if the state's cross-examination is no lengthier than it has been."

This remark brought laughter from the other side of the trial table. County Prosecutor Frank T. Cullitan's "silent three" assistants have exercised a surprising economy in asking questions, preferring to rest on the "presumption" contained in Dr. Sam's indictment.

The indictment carries the legal implication that there is sufficient cause for holding Dr. Sam without bail, unless the defense can contradict this with its own evidence. The state has nobody under subpoena.

Thus, it was now evident, Corrigan has rejected the prosecutor's challenge to put Dr. Sam on record in this preliminary courtroom skirmish. The state has contended repeatedly that the Bay Village Hospital neurosurgeon would be his own best witness.

The defendant, said to be preparing an autobiography in County Jail, took copious notes as 12 persons testified on different phases of events concerning the murder of his wife, Marilyn.

The three yet to be called are Mr. and Mrs. Richard Knitter of Sheffield Lake, who reportedly saw a stranger near the Sheppard home on the morning of the murder, and Bert R. Winston,

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 spring-term foreman of the grand jury.

Garmone said Winston was being recalled so the court could establish whether the foreman of the panel which indicted his client was "entirely without prejudice."

On agreement by the opposing counsel, the testimony of J. Spencer Houk at the coroner's inquest was read into the record. Houk, mayor of Bay Village, could not answer his summons because he is a patient at Lakeside Hospital.

Assistant County Prosecutor John J. Mahon referred to the day's proceedings as "a lot of talk about a monkey wrench and a couple of maple trees." But Garmone said the testimony of many of the grand jury witnesses showed there was no good reason to indict Dr. Sam.

#### Tells of Lurking Man

The maple trees came up in testimony by Leo Spawicki, 48, of 4511 E. 49th Street, Cuyahoga Heights. He said he saw a man lurking near such trees in the driveway of the Sheppard home shortly after 2 a. m. on July 4.

He was unable to find this man later in a Central Police Station line-up, which included Dr. Sam, Spawicki said. He added he later saw a newspaper picture of a man named "Flick," who resembled the stranger under the maple tree. He reported this to police, but they did not arrange another line-up, he said.

The monkey wrench was mentioned by Miles Davis, 17, of 375 Kenilworth Road, Bay Village. He said he knocked this tool out of the hands of a burglar who invaded his home Monday night.

#### Burglar Got Away

The man got away, Davis related. The teen-ager continued that he turned the wrench over to Bay Village police but had heard nothing from Cleveland police on the matter.

The 10 other witnesses figured in the case previously. But, for three, it was their first time on the witness stand.

Mrs. Helen F. Schuele, a neighbor of the Sheppards, and Jean Disbrow, a Sheppard baby sitter, testified merely that they were subpoenaed by the grand jury but did not serve there as witnesses.

#### Aunt Testifies

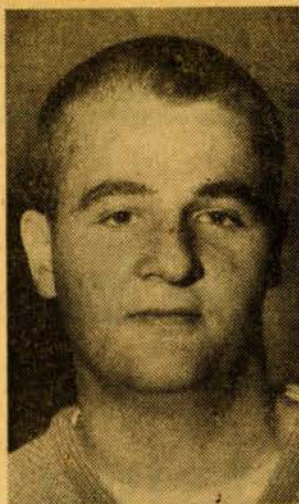
Testimony by Mrs. Guilford R. Brown, Marilyn Sheppard's aunt, was also brief. It featured this exchange:

CORRIGAN—Do you think it is possible . . .

MRS. BROWN—No!

CORRIGAN— . . . that Sam Sheppard could have killed his wife?

ASSISTANT PROSECUTOR



MILES DAVIS



JEAN DISBROW

**SHEPPARD BAIL WITNESSES.** Two teenagers were among 12 persons who were sworn in to testify at a pre-trial hearing for Dr. Samuel H. Sheppard. Larry Houk, son of Bay Village Mayor J. Spencer Houk, was also called.

THOMAS J. PARRINO—Objection! Wait till he finishes the question!

JUDGE BLYTHIN—That will be stricken from the record.

Sheriff Joseph M. Sweeney was called to the stand to give the number of Dr. Sam's visitors at the jail. Corrigan demanded that he name each detective and the time each detective spent in questioning the osteopath. Mahon countered by asking Sweeney to disclose the number of visits by Corrigan and Garmone.

#### Eaton Cross-Examined

On cross-examination by Mahon, Bay Village Police Chief John P. Eaton disclosed that he told Cleveland homicide detectives he thought Dr. Sam was "lying." This was after the Cleveland men advised the chief that the osteopath was the best suspect.

Eaton testified that he himself never interrogated the defendant, although the murder was the suburb's "most serious crime," because there were better-trained interrogators than he.

Bay Village Patrolman Fred F. Drenkhan revealed on cross-examination that he and the defendant had attended the same social functions. He told how he assisted sheriff's men in a quiz of Dr. Sam at Bay View Hospital.

Other witnesses were Dr. Stephen A. Sheppard: his wife, Betty; Mrs. Don J. Ahern, one of the last persons to see Marilyn Sheppard alive, and Lawrence (Larry) Houk, son of the mayor.

Dr. Steve issued a statement in a courtroom recess answering one made by Prosecutor Cullitan on Thursday, in which the state's attorney said that other suspects turned up by the Sheppard family were "red herrings."

"Cullitan criticized us for doing precisely what each of five

conflicting investigating agencies requested us to do from the outset," the defendant's brother said.

"We were specifically asked . . . to give the authorities all possible leads regardless of how remote they might seem to us. This we have done.

" . . . We are not convinced that all of the suspects have been actually and completely checked out. We intend to continue to help in any way available to us and refuse to be intimidated by any officials with closed minds."